



February 18, 2015

Montana Department of Environmental Quality
Permitting & Compliance Division
Water Protection Bureau
P.O. Box 200901
Helena, MT 59620-0901

RE: Draft Fact Sheet for Nutrients for MPDES Permit No. MT0021938

The City of Kalispell is providing comments on the Advanced Wastewater Treatment Plant (AWWTP) discharge permit for consideration by DEQ. After reviewing the nutrients section of the draft fact sheet we have the following comments:

1. Page 1 of the fact sheet, first paragraph: **The current permit does not have a maximum daily load limit for nitrogen. Please remove this statement and include the average weekly limit of 379 lb/day TN per the final limitations listed on page 5 of the current permit.**
2. Page 1 of the fact sheet, first paragraph: **Please revise the TN average monthly limit to 286 lb/day per the final limitations listed on page 5 of the current permit.**
3. Page 2 of the fact sheet, second paragraph: **Please provide a detailed description of how the AMLs are calculated for TN and TP, including standard deviation values, CV values, number of samples per months used, and LTA multipliers used.**
4. Average monthly values for TN are used in the TSD method. We believe using the available weekly TN data might lead to different limits than those already calculated and be beneficial to the City. **Would DEQ consider using weekly data for analysis?**
5. The TN AML of 286 lb/day was calculated using the TSD method on lb/day values and actual AWWTP flow data during the previous permit renewal process. The 286 lb/day limit does not provide the City with sufficient room for growth. Areas of the City have been platted for the projected plant flow of 5.4 MGD and could be developed quickly. At the current design flow of 5.4 MGD, and projected 2025 flow of 7.24 MGD, the 286 lb/day limit translates into a TN concentration of 6.35 mg/L and 4.73 mg/L. Those limits would be difficult to meet without significant investments by the City. **Similar to the approach taken for TP described on page 2, second paragraph in the current fact sheet, would DEQ consider accepting the TSD method on recent TN concentration data and apply the current design flow of 5.4 MGD giving the City an opportunity to allow for growth and provide the City at least 20 years to comply with stringent**

water quality standards as was the intent of the general variance described in Department Circular DEQ-12B?

- MCA 75-5-703 (5) states “when a source implements voluntary measures to reduce pollutants prior to development of a TMDL, those measures, whether or not reflected in subsequently issued waste discharge permits, must be recognized in development of the TMDL in a way that gives credit for the pollution reduction efforts.” The City of Kalispell, at great expense, constructed biological nutrient removal facilities in 1992 and expanded treatment facilities which improved TN treatment in 2007 to meet the demands of growth and regulations. In 2007, both plant design and treatment capacity were acknowledged and approved by DEQ. Our facility has been recognized as one of the best in North America and has received numerous EPA awards. This facility has reliably treated effluent to levels well below the 1.0 mg/L (25.8 lbs/day) standard for phosphorus and 890 lb/day (non-degradation limit) standard for nitrogen listed in Table 4 of the March 2008 Fact Sheet. We understand the Montana Department of Environmental Quality is constrained by the requirements of the Molloy decision and must set interim wasteload allocations. We also understand additional nutrient reductions may be required as part of the Phase II Flathead Lake TMDL. However, we respectfully submit Kalispell has far exceeded the monetary investment and nutrient load reduction efforts of any other point or non-point discharger to the Flathead basin. **As such, we request the load reductions achieved by Kalispell prior to development of the TMDL be recognized in the fact sheet. In accordance with MCA 75-5-703 (5), the voluntary reduction of TN and TP already performed by the City of Kalispell, shall be quantified, accounted for and credited to the City of Kalispell in future permit requirements and in the establishment of the Flathead Lake and Ashley Creek TMDL’s. This is a factor that should be recognized and extended to communities that have been proactive in WWTP treatment investments and efficient performance-based discharges.**
6. **Additionally, we also respectfully submit it be recognized that even though setting interim load allocations in the manner proposed meets and even exceeds the intent of the Molloy decision, it does not provide an equitable allocation of load (especially for growing communities like Kalispell that have already gone to a great extent to reduce nutrient loading); and it is not based on scientifically derived water quality criteria. Load allocations should be completely revised as part of the Flathead Lake TMDL and revisions and credits due reflected in any future permits.**

The City of Kalispell appreciates the opportunity to comment on the draft fact sheet for the AWWTP. We appreciate your efforts with regard to development of this permit renewal. However, we respectfully submit that the methods used to develop the load limits for nutrients do not meet the intent of the variance process, whereby the City of Kalispell should be allowed 20 years to plan for and fund additional improvements to further reduce the discharge of nutrients. The City of Kalispell is currently paying on a \$14 million dollar bond and qualifying for additional bonding in the near future for large improvements is improbable. The proposed limits, especially nitrogen, will cause the Kalispell AWWTP to violate permit limits before the current treatment and capacity of the plant can be utilized.

Furthermore, no mechanism exists to allow credit for the significant reductions in nutrient loading that the City of Kalispell has already achieved in advance of the Flathead Lake and Ashely Creek TMDLs. Water quality has always been our highest priory. We respectfully request to be recognized for our treatment capabilities, allow the City to fiscally plan for the proper improvements, while utilizing our current DEQ approved plant.

As always, the City wishes to continue to be an active participant in preserving water quality in the Flathead Valley. We look forward to your thoughtful consideration and attention to our comments and concerns. We would like to request a phone meeting for Monday morning, February 23, 2015, or at your earliest convenience, to review any questions you may have with the comments in this letter. Please let us know if you are available.

Sincerely,



Susie Turner
Public Works Director